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4 6130 Elton Avenue  
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7 Attorneys for Plaintiff  
8 ESTEVAN ALVARADO-HERRERA

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA, SOUTHERN DIVISION

11  
12 ESTEVAN ALVARADO-HERRERA, an  
individual;

13  
14 Plaintiff,

15 vs.

16 JOSE LUIS ALVAREZ, JR, individually; R &  
17 A CARRIERS, INC., a Texas corporation; and,  
DOES I through X, inclusive,

18 Defendants.

19  
20 ACUITY, A MUTUAL INSURANCE  
COMPANY

21 Intervenor.  
22

Case No.: 2:19-cv-00748-JAD-VCF

23  
24 **STIPULATION AND ORDER TO FILE AMENDED COMPLAINT**  
25 **TO NAME ADDITIONAL DEFENDANTS ALVARO JOSE MEDEL, AN INDIVIDUAL;**  
**AND, ONE WAY TRUCKING, LLC., A TEXAS LIMITED LIABILITY COMPANY**

26 **IT IS HEREBY STIPULATED** by and between the parties, through their counsel of record,  
27 Plaintiff **ESTEVAN ALVARADO-HERRERA**, represented by JASON S. COOK, ESQ. and JOHN P.  
28 SHANNON, ESQ. of LAW OFFICE OF WILLIAM H. JACKSON, LLC and Defendant **R & A**

1 **CARRIERS, INC.** represented by D. LEE ROBERTS, JR., ESQ. and DANIELA LaBOUNTY, ESQ.  
2 of WEINBERG WHEELER HUDGINS GUNN & DIAL that Plaintiff shall be permitted to file an  
3 Amended Complaint, pursuant to Fed. R. Civ. P. 15(a), in order to name additional Defendants  
4 **ALVARO JOSE MEDEL, an individual, and ONE WAY TRUCKING, LLC., A TEXAS**  
5 **LIMITED LIABILITY COMPANY.**  
6

7 Although Defendant R & A CARRIERS, INC. stipulates to add ALVARO JOSE MEDEL and  
8 ONE WAY TRUCKING, LLC, as parties in this action, Defendant R & A CARRIERS does not stipulate  
9 to or concede the facts as alleged in the Amended Complaint, and reserves the right to deny any and all  
10 allegations contained therein. Defendant R & A CARRIERS, INC. further reserves the right to file any  
11 Fed. Rule 12(b) pleadings in response to the Amended Complaint.  
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A copy of Plaintiff's proposed Amended Complaint is attached hereto. Plaintiff proposes to amend the Complaint filed on January 14, 2019 to name the additional Defendants.

DATED this 20<sup>th</sup> day of August, 2019

DATED this 20<sup>th</sup> day of August, 2019.

LAW OFFICE OF WILLIAM H. JACKSON

WEINBERG WHEELER HUDGINS GUNN  
& DIAL

By /s/ John P. Shannon

By /s/ Daniela LaBounty

JOHN P. SHANNON, ESQ.

D. LEE ROBERTS, JR., ESQ.

Nevada Bar No. 7906

Nevada Bar No. 8877

JASON S. COOK, ESQ.

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6130 Elton Avenue

6385 S. Rainbow Blvd., Suite 400

Las Vegas, Nevada 89107

Las Vegas, Nevada 89118

Attorney for Plaintiff

Attorney for Defendant R&A Carriers, Inc.

DATED this 20<sup>th</sup> day of August, 2019

ROGERS MASTRANGELO CARVALHO  
& MITCHELL

By /s/ Marissa R. Temple

MARISSA R. TEMPLE, ESQ.

Nevada Bar No. 9028

700 S. Third Street

Las Vegas, Nevada 89101

Attorneys for Intervenor

///

///

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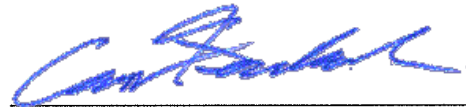
**ORDER**

Upon the foregoing Stipulation, and the Court having considered the same,

**IT IS HEREBY ORDERED** that Plaintiff may file an Amended Complaint in order to name  
**ALVARO JOSE MEDEL, an individual, and ONE WAY TRUCKING, LLC., A TEXAS  
LIMITED LIABILITY COMPANY** in this matter.

**IT IS HEREBY ORDERED** that Plaintiff must file the  
Amended Complaint on or before August 27, 2019.

DATED this 20th day of August, 2019.



~~UNITED STATES DISTRICT JUDGE/~~  
UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted by:

By: /s/ John P. Shannon

JOHN P. SHANNON, ESQ.  
Nevada Bar No. 7906  
JASON S. COOK, ESQ.  
Nevada Bar No. 7965  
6130 Elton Avenue  
Las Vegas, Nevada 89107  
Attorney for Plaintiff

ATTACHMENT

1 JOHN P. SHANNON  
Nevada Bar No. 7906  
2 JASON S. COOK  
Nevada Bar No. 7965  
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5 Phone: (702) 489-3030  
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7 Attorneys for Plaintiff  
8 ESTEVAN ALVARADO-HERRERA

9  
10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA, SOUTHERN DIVISION

12 ESTEVAN ALVARADO-HERRERA, an  
13 individual;

14 Plaintiff,

15 vs.

16 JOSE LUIS ALVAREZ, JR, individually; R &  
A CARRIERS, INC., a Texas corporation;  
17 ALVARO JOSE MEDEL, individually; ONE  
18 WAY TRUCKING, LLC., a Texas Limited  
19 Liability Company; and, DOES III through X,  
inclusive,

20 Defendants.

21  
22 ACUITY, A MUTUAL INSURANCE  
COMPANY

23 Intervenor.  
24

Case No.: 2:19-cv-00748-JAD-VCF

**AMENDED COMPLAINT**

25  
26 Plaintiff ESTEVAN ALVARADO, individually, by and through their attorney of record, JOHN  
27 P. SHANNON and JASON S. COOK, of the LAW OFFICE OF WILLIAM H. JACKSON, LLC and for  
28

1 their claims of relief against Defendants JOSE LUIS ALVAREZ, JR.; R & A CARRIERS, INC.;  
2 ALVARO JOSE MEDEL; and, ONE WAY TRUCKING, LLC., allege and complain as follows:

3  
4 **GENERAL ALLEGATIONS**

5 1. That at all time relevant hereto, Plaintiff ESTEVAN ALVARADO-HERERRA,  
6 individually, (hereinafter "ALVARADO"), is and was a resident of the County of Clark, State of Nevada.

7 2. Upon information and belief, at all times herein mentioned, Defendant JOSE LUIS  
8 ALVAREZ, JR. (hereinafter "ALVAREZ"), is and was a resident of the State of Texas.

9 3. Upon information and belief, at all times herein mentioned, Defendant R and A  
10 CARRIERS (hereinafter "R & A"), is and was a Texas corporation that was registered to do business in,  
11 doing business in and/or maintained a principal place of business in the County of Clark, State of Nevada.

12 4. Upon information and belief, at all times herein mentioned, Defendant ALVARO JOSE  
13 MEDEL (hereinafter "MEDEL"), previously identified as DOE I, is and was a resident of the State of  
14 Texas.  
15

16 5. Upon information and belief, at all times herein mentioned, Defendant ONE WAY  
17 TRUCKING, LLC. (hereinafter "ONE WAY TRUCKING"), previously identified as DOE II, is and  
18 was a Texas Limited Liability Company that was registered to do business in, doing business in and/or  
19 maintained a principal place of business in the County of Clark, State of Nevada.  
20

21 6. That all acts and omissions referenced herein occurred within the County of Clark, State  
22 of Nevada.  
23

24 7. That the true names and identities, whether, corporate, associate or otherwise, of  
25 Defendants DOES III through X are unknown to Plaintiff, who therefore sues said Defendants by such  
26 fictitious names. Plaintiff is informed and believes, and therefore alleges that each Defendant designated  
27 herein as a DOE was the agent, servant, employee, or corporate employer of the other, acting within the  
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1 scope and purpose of said agency, service, employment, or corporate activity; Defendants may have  
2 been, and/or are, the owners and operators of the motor vehicle, and/or their employers and/or family  
3 members who, while in the course and scope of employment and/or family purpose, entrusted and drove  
4 in such a negligent and careless manner so as to cause injuries to the Plaintiff. Plaintiff request leave of  
5 the Court to amend this Complaint to name Defendants specifically when their identities become known.  
6

7 8. That DOES III through X are immediate family members of Defendants who may be  
8 liable for Defendants' negligence pursuant to NRS 41.440, which states:

9  
10 Any liability imposed upon a wife, husband, son, daughter, father, mother,  
11 brother, sister or other immediate member of a family arising out of his or  
12 her driving and operating a motor vehicle upon a highway with the  
13 permission, express or implied, of such owner is hereby imposed upon the  
14 owner of the motor vehicle, and such owner shall be jointly and severally  
15 liable with his or her wife, husband, son, daughter, father, mother, brother,  
16 sister or other immediate member of a family for any damages proximately  
17 resulting from such negligence or willful misconduct, and such negligent  
18 or willful misconduct shall be imputed to the owner of the motor vehicle  
19 for all purposes of civil damages.

20 9. That DOES III through X are employers of Defendants who may be liable for  
21 Defendants' negligence pursuant to NRS 41.130, which states:

22 Except as otherwise provided in NRS 41.745, whenever any person shall  
23 suffer personal injury by wrongful act, neglect or default of another, the  
24 person causing the injury is liable to the person injured for damages; and  
25 where the person causing the injury is employed by another person or  
26 corporation responsible for his conduct, that person or corporation so  
27 responsible is liable to the person injured for damages.

28 10. That Plaintiff is further informed and believes, and on that basis alleges, that certain  
witnesses are known to Plaintiff as witnesses. However, Plaintiff does not yet know whether or not  
particular witnesses have culpability in this matter at this time. However, once Plaintiff has determined  
the true culpability of one or more of the DOE and ROE CORPORATION Defendants, he will amend

1 his complaint to set forth facts and claims alleging the actual culpability and to substitute such witnesses  
2 for DOE and ROE CORPORATION Defendants.

3  
4 **FIRST CAUSE OF ACTION**  
5 **NEGLIGENCE**  
6 **(Against All Defendants)**

7 11. Plaintiff hereby realleges and incorporates all previous paragraphs of this Complaint, as  
8 if set forth fully herein.

9 12. On or about January 30, 2017, Plaintiff ALVARADO was standing outside of the left  
10 side of his vehicle, a 2012 Ford Transit Connect van, with the left sliding door opened, while located in  
11 a private parking lot at 4210 West Patrick Lane, in the County of Clark, State of Nevada.

12 13. On or about January 30, 2017, Defendant ALVAREZ was driving a 2015 Dodge Ram  
13 3500 pickup truck that was towing a travel trailer, and was traveling eastbound in the parking lot of 4210  
14 West Patrick Lane. Defendant ALVAREZ performed a sharp right turn to travel southbound across the  
15 parking lot toward the exit/entrance gate.

16 14. During Defendant ALVAREZ's turn, the right side of the trailer being towed by  
17 Defendant ALVAREZ collided with left sliding door of Plaintiff ALVARADO'S vehicle.

18 15. As Defendant ALVAREZ continued with his turn, left sliding door of Plaintiff  
19 ALVARADO's vehicle became lodged onto the Defendant ALVAREZ's trailer near a cargo strap  
20 assembly.  
21

22 16. During the continued travel of the Defendant ALVAREZ's vehicle, violent contact was  
23 also made with the Plaintiff, ALVARADO, who became caught between the left door of his vehicle, and  
24 the right side of the Defendant ALVAREZ's trailer. The right side of Defendant ALVAREZ's trailer  
25 ripped the left cargo door of the Plaintiff ALVARADO's vehicle.  
26  
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1           17.     That Defendant ALVAREZ owed a duty of care in the operation of the 2015 Dodge Ram  
2 3500 pickup truck and trailer.

3           18.     That by operating said vehicle and trailer in such a careless and reckless manner,  
4 Defendant ALVAREZ breached his duty of care and was therefore negligent.  
5

6           19.     That at all times relevant hereto, Defendant ALVAREZ was operating the 2015 Dodge  
7 Ram 3500 pickup truck and trailer in the course and scope of his employment with either Defendant R  
8 & A, Defendant MEDEL; and/or Defendant ONE WAY TRUCKING, and/or with the express or implied  
9 permission of the owner of the vehicle, Defendant R & A; Defendant MEDEL; and/or, Defendant ONE  
10 WAY TRUCKING.  
11

12           20.     That Defendant R & A; Defendant MEDEL; and/or, Defendant ONE WAY TRUCKING  
13 is therefore liable for Defendant ALVAREZ's negligence pursuant to Nevada law, NRS 41.130.  
14

15           21.     As a direct and proximate result of the negligence, of Defendant ALVAREZ; Defendant  
16 R & A; Defendant MEDEL; and/or, Defendant ONE WAY TRUCKING, as herein alleged, Plaintiff  
17 ALVARADO sustained several severe physical injuries resulting in past and future general and special  
18 damages, including but not limited to: pain and suffering; emotional anxiety and distress; loss of  
19 enjoyment of life; medical treatment, including invasive surgical procedures and associated medical  
20 expenses; lost wages, loss of future earnings and earning capacity; loss of household services; and other  
21 incident expenses and damages; with said past and future general and special damages in an amount in  
22 excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).  
23

24           22.     As a direct and proximate result of the negligence of Defendants ALVAREZ; Defendant  
25 R & A; Defendant MEDEL; and/or, Defendant ONE WAY TRUCKING, as herein alleged, it has been  
26 necessary for Plaintiff ALVARADO to retain the Law Office of William H. Jackson to prosecute this  
27 action, and Plaintiff is therefore entitled to recover his reasonable attorney's fees and costs.  
28

1 WHEREFORE, Plaintiff prays for judgment as follows:

- 2 1. General and emotional damages in an amount in excess of \$75,000.00, exclusive of  
3 interest and costs;  
4  
5 2. For past special damages in an amount in excess of \$75,000.00 to be proven at trial,  
6 exclusive of interest and costs;  
7  
8 3. For future medical care, future loss of income and earning capacity, future loss of  
9 household services, and future pain, suffering, emotional anxiety and distress in excess  
10 of \$75,000.00 to be proven at trial, exclusive of interest and costs;  
11  
12 4. For pre-judgment and post-judgment interest, attorney's fees, costs of suit; and  
13  
14 5. For such other and further relief as the court may deem just, equitable and proper in the  
15 premises.

16 DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

17 LAW OFFICE OF WILLIAM H. JACKSON

18 By: \_\_\_\_\_  
19 JOHN P. SHANNON, ESQ.  
20 Nevada Bar No.: 7906  
21 JASON S. COOK, ESQ.  
22 Nevada Bar No. 7956  
23 6130 Elton Avenue  
24 Las Vegas, Nevada 89107  
25 *Attorney for Plaintiff*  
26  
27  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the  
3 foregoing AMENDED COMPLAINT was electronically filed and served on counsel through the  
4 Court's Electronic Filing System of the United States District Court, via the electronic mail addresses  
5 noted below, unless service by another method is stated or noted:  
6

7 D. Lee Roberts, Jr., Esq.

8 [jroberts@wwhgd.com](mailto:jroberts@wwhgd.com)

9 Daniela LaBounty, Esq.

10 [dlabounty@wwgd.com](mailto:dlabounty@wwgd.com)

11 Weinberg Wheeler Hudgins

12 Gunn & Dial, LLC

13 6385 South Rainbow Blvd., Suite 400

14 Las Vegas, Nevada 89118

15 Attorneys for Defendant

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Rogers Mastrangelo Carvalho & Mitchell

700 South Third Street

Las Vegas, Nevada 89101

Attorney for Intervenor

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An employee of

LAW OFFICE OF WILLIAM H. JACKSON, LLC